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FORTINET, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 NETWORK PROTECTION SCIENCES,
LLC,

NO. 3:12-CV-01106-WHA

Plaintiff,

VS

FORTINET, INC.

Defendant

**FORTINET, INC.'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL IN SUPPORT OF
FORTINET, INC.'S MOTION FOR
SUMMARY JUDGMENT**

Date: September 5, 2013

Time: 8:00 a.m.

Judge: William H. Alsup

NOTICE OF MOTION AND MOTION

2 PLEASE TAKE NOTICE that on September 5, 2013, in Courtroom 8 of the United States
3 District Court for the Northern District of California, the Honorable William H. Alsup presiding,
4 located at 450 Golden Gate Avenue, 19th Floor, San Francisco, CA 94102, defendant Fortinet,
5 Inc. (“Fortinet”), will and hereby does move the Court for an order permitting Fortinet to file
6 under seal and maintain the confidentiality of certain exhibits offered in support of Fortinet’s
7 Motion for Summary Judgment, filed herewith (the “Motion for Summary Judgment”), as more
8 fully set forth in the Declaration of Andrew M. Holmes (the “Holmes Declaration”).

9 Good cause exists to grant this motion to seal. As set forth in detail in the Holmes
10 Declaration, the basis for this motion is that the information contained in Exhibits 2, 3, 4, 5, 10,
11 and 12 to the Declaration of Andrew M. Holmes in support of the Motion for Summary Judgment
12 contains (1) Fortinet's non-public, proprietary source code and default configuration files
13 including expert analysis of the same; (2) non-public, highly confidential technical documents
14 relating to proprietary concepts in Fortinet's products; (3) non-public, highly confidential
15 deposition testimony relating to internal Fortinet technical documents, source code, and related
16 proprietary concepts in Fortinet's products; and (4) non-public, highly confidential technology
17 licenses and agreements between Fortinet and third parties that contain sensitive financial,
18 technical, and other non-public business information. All of this information is highly sensitive,
19 non-public, and extremely valuable to Fortinet's business operation, and public disclosure would
20 cause harm to Fortinet and place it at a competitive disadvantage. Furthermore, all of this
21 information has been designated by Fortinet as "Highly Confidential – Attorneys' Eyes Only" or
22 "Highly Confidential – Source Code" in accordance with the Protective Order entered in this
23 action.

24 For the foregoing reasons, Fortinet respectfully requests that the Court grant its motion for
25 leave to file under seal the limited information contained in these exhibits. Pending the Court's
26 resolution of this motion to seal, the documents containing the confidential information subject to
27 this motion are being lodged with the Court in their unredacted form, and public redacted versions
28 of the same are being filed with the Court.

1 DATED: August 1, 2013

Respectfully submitted,

2 By /s/ John M. Neukom

3 John M. Neukom

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